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REMARKS

The parent application was filed with a total of 17 Claims. In a Restriction Requirement mailed March 22, 2001, the Examiner restricted the Claims into six (6) Groups, as follows:

- I) Group I, containing Claims 1, 4-9, and 13-17, drawn to a microorganism having a mutation or deletion of the gene encoding cysteine protease-1 (CP-1) and methods for the production of a heterologous protein using a microorganism having a mutation or deletion of the gene encoding CP1;
- II) Group II, containing Claims 2, 4-9, and 13-17, drawn to a microorganism having a mutation or deletion of the gene encoding cysteine protease-2 (CP-2) and methods for the production of a heterologous protein using a microorganism having a mutation or deletion of the gene encoding CP2;
- III) Group III, containing Claims 3-9, and 13-17, drawn to a microorganism having a mutation or deletion of the gene encoding cysteine protease-3 (CP-3) and methods for the production of a heterologous protein using a microorganism having a mutation or deletion of the gene encoding CP3;
- IV) Group IV, containing Claim 10, drawn to a cleaning composition comprising a cysteine protease;
- V) Group V, containing Claims 11 and 12, drawn to expression vectors and host cells for expression of a heterologous protein.

In a Response mailed April 20, 2001, Applicant elected the Claims in Group I (Claims 1, 4-9, and 13-17), drawn to a microorganism having a mutation or deletion of the gene encoding cysteine protease-1 (CP1), and methods for the production of a heterologous protein.

On February 5, 2004, Applicant filed the present application with the inadvertent, yet erroneous indication that it is a Divisional application to pursue the Claims in Group

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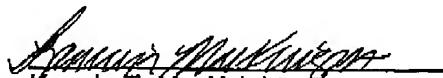
II (*i.e.*, Claims 2, 4-9, and 13-17, as applied to CP2). While the indication that the present application was filed in order to pursue the Claims in Group II of the originally filed application was correct, Applicant added additional Claims in the present Application when it was filed (*i.e.*, Claims 17-22). Thus, the present Application should have been designated as a Continuation-in-Part, rather than a Divisional. This erroneous designation was made inadvertently and without deceptive intent. Thus, Applicant respectfully requests that the priority designation be changed to indicate the correct relationship between the present application and the parent application.

In order to avoid additional confusion regarding the Claims in the present application, Applicant has cancelled Claims 1-22 and added new Claims 23-35. These new Claims correspond to the originally filed Claims. Applicant notes that the cleaning composition Claims have not been included herein. However, Applicant reserves the right to file at least one Continuation application to pursue these Claims. No new matter is introduced by these amendments. Applicant reserves the right to file subsequent applications including the cancelled Claims and does not waive any of his rights or abandon any subject matter embodied in the originally filed Claims. None of the amendments to the Claims is intended to narrow the scope of any of the amended Claims within the meaning of *Festo*¹.

Applicant respectfully requests entry of the present Supplemental Preliminary Amendment. Pursuant to 35 U.S.C. §120, the Specification has been amended to recite the Continuation-in-Part status of this application, and its relationship to the previous application filed by Applicant. If the Examiner has any questions regarding the present application he or she is encouraged to contact the undersigned.

Respectfully submitted,

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¹ *Festo Corp. v. Shoketsu Kogyo Kabushiki Co.*, No. 95-1066, 2000 WL 1753646 (Fed. Cir. Nov. 29, 2000).